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Marxist Group Charges Conspiracy As \$40 Million Suit Goes to Trial

By ARNOLD H. LUBASCH

A lawyer accused the Federal Government of waging a 40-year "campaign of disruption and defamation" against the Socialist Workers Party as the trial of the party's lawsuit seeking \$40 million in damages opened yesterday in Manhattan.

The lawyer, Margaret Winter, said in her opening statement in Federal District Court that the campaign was an investigation that amounted to a conspiracy to curtail the party's political activities and to stigmatize its members as "subversives."

She accused the Government of conducting an "extraordinary investigation," using informers, burglaries, wiretaps and mail monitoring, without uncovering any crimes.

Replying for the defense, Peter C. Sa-

lerno, an Assistant United States Attorney, argued that the Government had conducted a long and legitimate investigation, which included authorized "intelligence gathering" by the Federal Bureau of Investigation.

He said that the Government had conducted an investigation, not a conspiracy, and that the Justice Department had closed the case in 1976, without filing charges. He asserted that the Government had a right to exercise its "discretion" to conduct investigations.

Judge Thomas P. Griesa is presiding at the nonjury trial, which is expected to continue for more than a month. Several years of pretrial proceedings have disclosed that the F.B.I. used 1,300 informers to spy on the party and also broke into its headquarters here more than 90 times.

After the opening statements in the crowded courtroom, Farrell Dobbs, a plaintiff and former national secretary of the Socialist Workers Party, took the stand as the first witness in the trial. He said that the party originated in a Trotskyite movement that opposed Stalinism.

Mr. Dobbs, who was the Presidential candidate of the Socialist Workers in four elections, testified that the party was based on "the fundamental doctrines of Marxism" and that it advocated socialism through a peaceful political process.

Other witnesses will include leaders of the party and members who allege that they were harassed. The party also plans to seek the testimony of Attorney General William French Smith and former members of the F.B.I.

The lawsuit was filed in 1973 by the party, which was founded in 1938 and says that it now has 2,000 members. The plaintiffs include the party's youth affiliate, the Young Socialist Alliance, and several individual members.

The F.B.I. and several other Federal agencies are the defendants. The plaintiffs recently agreed to a Government move to drop former President Richard M. Nixon and two former aides as individual defendants.

Shortly before the trial, Miss Winter unexpectedly replaced Leonard B. Boudin as the leader of six attorneys for the plaintiffs. A party spokesman explained that there had been "disagreements about how to present certain aspects of the case."

The plaintiffs are seeking damages from the Government and injunctions to prohibit similar investigations in the future.

The Government contends that it ended the "domestic security investigation" of the party; that the investigation was proper at the time and that legal limitations bar claims for damages now, even

for improper actions.

In a defense document, the Government said it would not dispute many facts presented by the plaintiffs. But it said, "The Government may legally investigate individuals or organizations regardless of their nature."

"The issue in this case," it said, "is not whether the Socialist Workers Party, the Young Socialist Alliance or any of their members can be proved guilty of a crime beyond a reasonable doubt."

"The issue is whether the Government has a right to keep itself informed of the activities of groups that openly advocate revolutionary change in the structure and leadership of the Government of the United States, even if such advocacy might be within the letter of the law."

Jack Barnes, the party's national secretary, said in a statement yesterday, "We are bringing to trial the F.B.I., the C.I.A. and other Government agencies that have violated the rights of millions of working people."

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